UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,456	09/08/2003	Michael Hattersley	GP-03-01	9809

30349 7590 01/26/2009	EXAMINER
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	ART UNIT	PAPER NUMBER
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NOTIFICATION DATE	DELIVERY MODE
01/26/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 October 2008</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claims 1-20 are presented for examination. Applicant filed an amendment on 10/29/2008 amending claims 1, 12, 14 and 20. Applicant failed to distinctly point out support in the specification of the amendments in the specification. After careful consideration of applicant's amendments and arguments, Examiner maintains the grounds of rejections of claims in the instant application as set forth in detail below. Applicant's arguments with respect to claims have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2.   Claims 1, 12, 14 and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

3.   As per above claims, written description discusses "unique validation features for online application (see page 1, lines 6-7)" and ".... generated credit card account application is linked to applicant bank account for .... on-going validation... (see page 2,

lines 5-6; page 13, lines 30-31). Nowhere in the specification is there any passage that

describes " validating the received bank account information comprising the steps of".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claim 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable by

Hutchinson et al., U.S. Pub No. 2005/0102188 (reference A in attached PTO-892) in

view of Herziger, U.S. Pub No. 2002/0082994 (reference B in attached PTO-892).

6.   As per claim 1, Hutchinson et al. teach a method of providing underwriting and/or

servicing of an financial account, comprising the steps of:

receiving account application information including a bank account information

(see Fig. 7; 8A-D; Fig. 15, step 270-274);

depositing at least one deposit amount to the bank account corresponding to the

received bank account information (see Fig. 9C and 10C, Prepay; paragraph [0048]

and [0085]; where buyer account must be prepaid which could be deposited by ACH or

traditional bank check);

generating a financial account corresponding to the received account application

information (see Fig. 8E-G; Fig. 15, step 265), where the financial account is

electronically linked to the bank account (see paragraph [0011] and [0048]).

Hutchinson et al. do not teach receiving a deposit verification amount, comparing the

received deposit verification amount with the deposited at least one deposit amount.

Herzinger teaches receiving a deposit verification amount, comparing the received

deposit verification amount with the deposited at least one deposit amount (Herzinger,

Fig. 8, paragraph [0127]).

Therefore, it would be obvious to one of ordinary skill in the art at the time the

invention was made to allow receiving a deposit verification amount, comparing the

received deposit verification amount with the deposited at least one deposit amount of

Hutchinson et al. because Herzinger teaches that including above features would

enable user with deposit verification module to effectively manage deposit verification

reducing amount of training needed to accomplish deposit verification and reducing

processing error (Herzinger, paragraph [0129]).

7.   As per claim 2, Hutchison et al. in view of Herzinger teach claim 1 as described

above. Hutchison further teach the method including

        the step of receiving a periodic debit transaction amount (see paragraph [0048];

where financial (virtual) account uses bank electronic fund transfer using Automated

Clearing House (ACH) standard; Examiner notes ACH allows periodic debit transaction

amount).

8.   As per claim 3, Hutchison et al. in view of Herzinger teach claim 2 as described

above. Hutchison further teach the method wherein

        the periodic debit transaction amount is configured to be periodically debited from

the bank account electronically to the financial account (see paragraph [0048] and claim

2).

9.   As per claim 4, Hutchison et al. in view of Herzinger teach claim 3 as described

above. Hutchison further teach the method wherein

    the periodic debit transaction is performed at 30 day interval (see paragraph [0048];

where ACH allows debit transaction for any specific period of interval).

10.   As per claim 5, Hutchison et al. in view of Herzinger teach claim 2 as described

above. Hutchison further teach the method wherein

        the periodic debit transaction amount includes one of a full balance of the

financial account, a minimum payment amount of the financial account, and a minimum

payment amount of the financial account plus a predetermined payment amount (see

Fig. 10A-10C).

11.   As per claim 6, Hutchison et al. in view of Herzinger teach claim 1 as described

above. Hutchison further teach the method including

        the step of performing credit verification based on the received account

application information (see Fig. 16, steps 285-289).

12.   As per claim 7, Hutchison et al. in view of Herzinger teach claim 6 as described

above. Hutchison further teach the method wherein the step of performing credit

verification includes the steps of:

transmitting the account application information to a credit bureau (see Fig. 16,

Fig. 22); and

receiving a credit history information corresponding to said transmitted account

application information (see Fig. 21).

13.   As per claim 8, Hutchison et al. in view of Herzinger teach claim 7 as described

above. Hutchison further teach the method wherein

the credit history information includes a numeric representation of the account

application information (see Fig. 16, steps 286 and 287).

14.   As per claim 9, Hutchison et al. in view of Herzinger teach claim 1 as described

above. Hutchison further teach the method wherein

the financial account is a credit card account (see Fig. 7; 8E).

15.   As per claim 10, Hutchison et al. in view of Herzinger teach claim 1 as described

above. Hutchison further teach the method including

the step of generating a financial account default notification when the balance

amount of the linked bank account falls below a predetermined minimum level (see

paragraph [0130]; where standard late payment processing, such as late notices,

finance charges, etc are performed if buyer do not pay as agreed).

16.   As per claim 11, Hutchison et al. in view of Herzinger teach claim 10 as

described above. Hutchison further teach the method including

the step of transmitting said financial account default notification (see paragraph

[0130]; where default notification include charging interest, late notices or finance

charges).

17.   As per claim 12, Hutchison et al. teach a system for providing underwriting and/or

servicing of an financial account, comprising:

a data network (see Fig. 2);

a user terminal operatively coupled to said data network configured to transmit

and receive data therefrom (see Fig. 2, Buyer (50));

a server terminal operatively coupled to said data network (see Fig. 2; Seller

Server (51)), said server terminal further configured to:

receive account application information including a bank account

information from said user terminal (Fig. 2; Fig. 7, steps 100-104);

deposit at least one deposit amount to the bank account corresponding to

the received bank account information (see Fig. 9C and 10C, Prepay; paragraph

[0048] and [0085]; where buyer account must be prepaid which could be

deposited by ACH or traditional bank check); and

generate a financial account corresponding to the received account

application information (see Fig. 8E-G; Fig. 15, step 265), where the financial account is

electronically linked to the bank account (see paragraph [0011] and [0048]).

Hutchinson et al. <u>do not teach receiving a deposit verification amount,</u>

<u>comparing the received deposit verification amount with the deposited at least one</u>

<u>deposit amount</u>.

Herzinger teaches receiving a deposit verification amount, comparing the

received deposit verification amount with the deposited at least one deposit amount

(Herzinger, Fig. 8, paragraph [0127]).

Therefore, it would be obvious to one of ordinary skill in the art at the time the

invention was made to allow receiving a deposit verification amount, comparing the

received deposit verification amount with the deposited at least one deposit amount of

Hutchinson et al. because Herzinger teaches that including above features would

enable user with deposit verification module to effectively manage deposit verification

reducing amount of training needed to accomplish deposit verification and reducing

processing error (Herzinger, paragraph [0129]).

18.   As per claim 13, Hutchison et al. in view of Herzinger teach claim 12 as

described above. Hutchison further teach the system wherein

the server terminal is further configured to receive a periodic debit transaction

amount from the user terminal (see paragraph [0048]; where financial (virtual) account

uses bank electronic fund transfer using ACH standard; Examiner notes ACH allows

periodic debit transaction amount).

19.   As per claim 14, Hutchison et al. in view of Herzinger teach claim 13 as

described above. Hutchison further teach the system wherein

the server terminal is configured to periodically debited said periodic debit

transaction amount from the linked bank account electronically to the financial account

(see paragraph [0080] and claim 13 above).

20.   As per claim 15, Hutchison et al. in view of Herzinger teach claim 14 as

described above. Hutchison further teach the system wherein

the periodic debit transaction is performed at 30 day interval (see paragraph

[0048]; where ACH allows debit transaction any specific period).

21.   As per claim 16, Hutchison et al. in view of Herzinger teach claim 13 as

described above. Hutchison further teach the system wherein

the periodic debit transaction amount includes one of a full balance of the

financial account, a minimum payment amount of the financial account, or a minimum

payment amount of the financial account plus a predetermined payment amount (see

Fig. 10A-10C).

22.   As per claim 17, Hutchison et al. in view of Herzinger teach claim 12 as

described above. Hutchison further teach the system wherein the server terminal is

further configured to:

transmitting the account application information to a credit bureau (see Fig. 16,

Fig. 22); and

receiving a credit history information corresponding to said transmitted account

application information (see Fig. 21).

23.   As per claim 18, Hutchison et al. in view of Herzinger teach claim 12 as

described above. Hutchison further teach the system wherein

the financial account is a credit card account (see Fig. 7; 8E).

24.   As per claim 19, Hutchison et al. in view of Herzinger teach claim 12 as

described above. Hutchison further teach the system wherein

the server terminal is configured to:

generate a financial account default notification when the balance amount of the

linked bank account falls below a predetermined minimum level (see Fig. 2; paragraph

[0130]; where financial institution (59) will generate default notification which include

late notices, finance charges); and

transmit said account default notification to the user terminal (see Gig. 2;

paragraph [0130]; where financial institution (59) issues late notices or levy finance

charge to user through data network).

25.   As per claim 20, Hutchison et al. teach a program storage device readable by a

machine, tangibly embodying a program of instructions executable by the machine to

perform a method of providing underwriting and/or servicing of a financial account (see

Fig. 2; paragraph [0055]), comprising the steps of:

receiving account application information including a bank account information

(Fig. 2; Fig. 7, steps 100-104);

depositing at least one deposit amount to the bank account corresponding to the

received bank account information (see Fig. 9C and 10C, Prepay; paragraph [0048]

and [0085]; where buyer account must be prepaid which could be deposited by ACH

or traditional bank check); and

generate a financial account corresponding to the received account application

information (see Fig. 8E-G; Fig. 15, step 265), where the financial account is

electronically linked to the bank account (see paragraph [0011] and [0048]).

Hutchinson et al. <u>do not teach receiving a deposit verification amount, comparing the received deposit verification amount with the deposited at least one deposit amount</u>.

Herzinger teaches receiving a deposit verification amount, comparing the received deposit verification amount with the deposited at least one deposit amount (Herzinger, Fig. 8, paragraph [0127]).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to allow receiving a deposit verification amount, comparing the received deposit verification amount with the deposited at least one deposit amount of Hutchinson et al. because Herzinger teaches that including above features would enable user with deposit verification module to effectively manage deposit verification reducing amount of training needed to accomplish deposit verification and reducing processing error (Herzinger, paragraph [0129]).

Response to Arguments

26.   Examiner maintains the grounds of rejections of claims in the instant application. Applicant's arguments with respect to claims have been fully considered but they are not persuasive.

Applicant failed to distinctly point out the support of amendments in the specification. The amendment "validating the received bank account information comprising the steps of" is not found to be described in the specification. Instead, the specification cites "a system for providing underwriting and /or servicing of an financial

account…" (see page 3, lines 12-22) for amended claims. Furthermore, Herziger teaches depositing at least one deposit amount to the bank account, receiving a deposit verification amount, comparing the received deposit verification amount with the deposited at least one deposit amount (Herziger, paragraph [0127]) performing the steps of "validating the received bank account information" as claimed in amended claims 1, 12, 14 and 20.

Conclusion

27.   Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosures. The following are pertinent to current invention, though not relied upon:

Bent et al. (U.S. Pub 2005/0108149) teach system and method for managing

client accounts.

Fleischl et al. (U.S. Patent No. 6,038,552) teach method and apparatus to

process combined credit and debit transactions.

Gross (U.S. Patent No. 6,721,716) teaches payment certification string and

related electronic payment system and method.

Kavoun (U.S. Pub No. 2004/0148251) teaches method and system for providing

funds for on-line gaming.

Knapp (U.S. Pub No. 2004/0193537) teaches system and method for enhancing

financial institution revenues through accelerated of debit processing.

Lindsay Brown (U.S. Pub No. 2006/0212393) teaches payment system and

method.

McCoy et al. (U.S. Patent No. 6,932,268) teach dual mode credit card based

payment technique.

Paschini et al. (U.S. Patent No. 7,131,578) teach system and method for

electronic prepaid account replenishment.

Resnick et al. (U.S. Patent No. 6,185,545) teach electronic payment system

utilizing intermediary account.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Bijendra K. Shrestha whose telephone number is (571)

270-1374. The examiner can normally be reached on 7:00AM-4:30PM(Monday-Friday);

2nd Friday OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Alexander Kalinowski can be reached on (571)272-6771. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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